

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIRAN VUPPALA,

Plaintiff,

-against-

998LQ SUSHI, INC., et al.

Defendants.

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18-CV-10696 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On March 25, 2019, I entered an order directing Plaintiff, no later than April 15, 2019, to seek a default judgment against any Defendant who had not answered or otherwise responded to the Complaint by that date. (Doc. 23.) Defendant Yu-Chen Lin 2011 Irrevocable Trust did not appear by April 15, 2019, but Plaintiff failed to comply with my instructions to move for default judgment. Accordingly, on April 16, 2019, I directed Plaintiff to submit a letter, no later than April 22, 2019, explaining why he did not comply with my instructions and demonstrating why all claims should not be dismissed against Defendant Yu-Chen Lin 2011 Irrevocable Trust (the “Trust”). (Doc. 31.) Once again, Plaintiff failed to comply with my order. Accordingly, on April 23, 2019, I dismissed all claims against the Trust. (Doc. 32.) After Plaintiff moved for reconsideration of the dismissal without objection from Defendants, (Doc. 39), and further filed a motion to reopen the case, (Doc. 45), on October 3, 2019 I restored the claims against the Trust, (Doc. 48). My order further instructed “that if Defendant Yu-Chen Lin 2011 Irrevocable Trust does not answer or otherwise respond to the complaint by October 21, 2019, then, no later than November 18, 2019, Plaintiff shall move for a default judgment against it, pursuant to Rule 4(H)

of my Individual Rules & Practices in Civil Cases.” (Doc. 48.) The Trust failed to answer or respond by October 21, 2019, yet Plaintiff has still not moved for a default judgment.

Accordingly, it is hereby:

ORDERED that all claims against Defendant Yu-Chen Lin 2011 Irrevocable Trust are dismissed with prejudice.

SO ORDERED.

Dated: November 20, 2019

New York, New York



Vernon S. Broderick
United States District Judge